

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
Raymond & Raymond, Attorneys at Law 7 Glenwood Avenue, 4 <sup>TH</sup> Floor East Orange, New Jersey 07017 (973) 675-5622; (408) 519-6711 Telefax Email: herbertraymond@gmail.com Herbert B. Raymond, Esq.; Jeffrey M. Raymond, Esq., Kevin DeLyon, Esq. Attorneys for the Debtor(s)	
In Re:	Case No.: 22-13079 SLM
FREDERICO c. MAGALHAES, DEBTOR	Chapter: 13_____
	Adv. No.: _____
	Hearing Date: N/A
	Judge: Stacey L. Meisel, U.S.B.J.

### CERTIFICATION OF SERVICE

1. I, KENNETH RAYMOND :

- ☐ represent \_\_\_\_\_ in the this matter.
- ☒ am the secretary/paralegal for RAYMOND & RAYMOND, ESQS., HERBERT B. RAYMOND, ESQ., RECORD COUNSEL\_, who represents the DEBTOR\_ in the this matter.
- ☐ am the \_\_\_\_\_ in the this case and am representing myself.

2. On JANUARY 20, 2023, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.

Amendment Transmittal Letter  
Modified Chapter 13 Plan  
341a Notice  
Notice of Hearing on Confirmation  
Amended Schedule(s) And/Or List of Creditors  
Order Respecting Amendment

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: JANUARY 20, 2023

/S/ KENNETH RAYMOND  
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Marie-Ann Greenberg, Esq. Chapter 13 Standing Trustee 30 Two Bridges Rd. Fairfield, N.J. 07004	CHAPTER 13 TRUSTEE	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
ALL CREDITORS AND/OR PARTIES IN INTEREST ON ATTACHED SCHEDULE(S) OR ATTACHED LIST	CREDITOR(S)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

**RAYMOND & RAYMOND**

Attorneys at Law

Herbert B. Raymond, Esq.  
Jeffrey M. Raymond, Esq.  
Kevin DeLyon, Esq.

7 Glenwood Avenue, 4<sup>th</sup> Fl., Ste. 408  
East Orange, NJ 07017  
Telephone (973) 675-5622  
Facsimile (408) 519-6711  
Email: [herbertraymond@gmail.com](mailto:herbertraymond@gmail.com)  
Website: [www.bankruptcylaw123.com](http://www.bankruptcylaw123.com)

January 20, 2023

To:

Marie-Ann Greenberg, Esq.  
Chapter 13 Standing Trustee  
30 Two Bridges Rd.  
Fairfield, NJ 07004

All Parties In Interest/Creditor(s) on Attached Schedule

Re: Frederico C. Magalhaes, Debtor(s)  
22-13079 SLM  
Chapter 13

To whom it may concern:

Enclosed please find:

- Amended Schedule E/F
- 341a Notice
- Notice of Hearing on Confirmation
- Order Respecting Amendment
- Chapter 13 Plan and/or Modified Chapter 13 Plan

Very truly yours,  
/S/ HERBERT B. RAYMOND  
HERBERT B. RAYMOND, ESQ.

Encs.

**Fill in this information to identify your case:**

Debtor 1 **Frederico C Magalhaes**  
 First Name Middle Name Last Name

Debtor 2  
 (Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: **DISTRICT OF NEW JERSEY**

Case number **22-13079**  
 (if known)

☐ Check if this is an amended filing

**Official Form 106Sum**

**Summary of Your Assets and Liabilities and Certain Statistical Information**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

**Part 1: Summarize Your Assets**

**Your assets**  
Value of what you own

1. **Schedule A/B: Property** (Official Form 106A/B)

1a. Copy line 55, Total real estate, from Schedule A/B..... \$ **525,000.00**

1b. Copy line 62, Total personal property, from Schedule A/B..... \$ **183,900.00**

1c. Copy line 63, Total of all property on Schedule A/B..... \$ **708,900.00**

**Part 2: Summarize Your Liabilities**

**Your liabilities**  
Amount you owe

2. **Schedule D: Creditors Who Have Claims Secured by Property** (Official Form 106D)

2a. Copy the total you listed in Column A, *Amount of claim*, at the bottom of the last page of Part 1 of *Schedule D*... \$ **0.00**

3. **Schedule E/F: Creditors Who Have Unsecured Claims** (Official Form 106E/F)

3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of *Schedule E/F*..... \$ **0.00**

3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of *Schedule E/F*..... \$ **36,636.20**

**Your total liabilities** \$ **36,636.20**

**Part 3: Summarize Your Income and Expenses**

4. **Schedule I: Your Income** (Official Form 106I)  
Copy your combined monthly income from line 12 of *Schedule I*..... \$ **8,091.20**

5. **Schedule J: Your Expenses** (Official Form 106J)  
Copy your monthly expenses from line 22c of *Schedule J*..... \$ **6,575.00**

**Part 4: Answer These Questions for Administrative and Statistical Records**

6. **Are you filing for bankruptcy under Chapters 7, 11, or 13?**
- ☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- ☒ Yes
7. **What kind of debt do you have?**
- ☒ **Your debts are primarily consumer debts.** *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- ☐ **Your debts are not primarily consumer debts.** You have nothing to report on this part of the form. Check this box and submit this form to



Debtor 1 **Frederico C Magalhaes**  
the court with your other schedules.

Case number (if known) **22-13079**

8. **From the Statement of Your Current Monthly Income:** Copy your total current monthly income from Official Form 122A-1 Line 11; OR, Form 122B Line 11; OR, Form 122C-1 Line 14.

\$ 0.00

9. **Copy the following special categories of claims from Part 4, line 6 of Schedule E/F:**

**From Part 4 on Schedule E/F, copy the following:**

	Total claim
9a. Domestic support obligations (Copy line 6a.)	\$ <u>0.00</u>
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ <u>0.00</u>
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ <u>0.00</u>
9d. Student loans. (Copy line 6f.)	\$ <u>0.00</u>
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ <u>0.00</u>
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+\$ <u>0.00</u>

9g. **Total.** Add lines 9a through 9f.

\$ 0.00

Fill in this information to identify your case:

Debtor 1 **Frederico C Magalhaes**  
First Name Middle Name Last Name  
Debtor 2  
(Spouse if, filing) First Name Middle Name Last Name  
United States Bankruptcy Court for the: **DISTRICT OF NEW JERSEY**  
Case number **22-13079**  
(if known)

☐ Check if this is an amended filing

Official Form 106E/F

Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Property (Official Form 106A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G). Do not include any creditors with partially secured claims that are listed in Schedule D: Creditors Who Have Claims Secured by Property. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. If you have no information to report in a Part, do not file that Part. On the top of any additional pages, write your name and case number (if known).

Part 1: List All of Your PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims against you?

- ☒ No. Go to Part 2.  
☐ Yes.

Part 2: List All of Your NONPRIORITY Unsecured Claims

3. Do any creditors have nonpriority unsecured claims against you?

- ☐ No. You have nothing to report in this part. Submit this form to the court with your other schedules.  
☒ Yes.

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

		Total claim
4.1	<b>Credit Collection Services</b> Nonpriority Creditor's Name <b>2 Wells Avenue</b> <b>Newton Center, MA 02459</b> Number Street City State Zip Code Who incurred the debt? Check one. <input checked="" type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Last 4 digits of account number <b>8732</b> When was the debt incurred? As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify <b>Collecting for NJ Ez Pass</b>
		<b>\$0.00</b>

Debtor 1 **Frederico C Magalhaes**Case number (if known) **22-13079**

4.2

**NJ EZ Pass**

Nonpriority Creditor's Name

**PO Box 4973****Trenton, NJ 08650**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this claim is for a community debt

Is the claim subject to offset?

☐ No☒ Yes

Last 4 digits of account number

**multiple  
accounts****\$36,636.20**

When was the debt incurred?

As of the date you file, the claim is: Check all that apply

☒ Contingent☐ Unliquidated☒ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify **Toll violations****Part 3: List Others to Be Notified About a Debt That You Already Listed**

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name and Address

**CCS****725 Canton Street****Norwood, MA 02062**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.1** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

**CCS****Payment Processing Center****PO Box 55126****Boston, MA 02205**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.1** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

**CCS Services****725 Canton Street****Norwood, MA 02062**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.1** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

**CCS Services****Payment Processing Center****PO Box 55126****Boston, MA 02205**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.1** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

**EZ Pass****PO Box 4973****Trenton, NJ 08650**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

**EZ Pass****PO Box 15186****Albany, NY 12212**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

**EZ Pass****PO Box 4973****Trenton, NJ 08650**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number



Debtor 1 **Frederico C Magalhaes**

Case number (if known)

**22-13079**

## Name and Address

**EZ Pass Customer Service Center  
PO Box 149003  
Staten Island, NY 10314**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

## Name and Address

**EZ Pass Customer Service PA  
300 East Park Drive  
Harrisburg, PA 17111**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

## Name and Address

**EZ Pass NJ  
PO Box 4971  
Trenton, NJ 08650**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

## Name and Address

**New Jersey Turnpike Authority  
581 Main Street  
PO Box 5042  
Secaucus, NJ 07096**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

## Name and Address

**New Jersey Turnpike Authority  
581 Main Street  
PO Box 5042  
Montville, NJ 07045**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

## Name and Address

**New Jersey Turnpike Authority  
581 Main Street  
PO Box 5042  
Woodbridge, NJ 07095**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

## Name and Address

**NJ EZ Pass NJ  
PO Box 4971  
Trenton, NJ 08650**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

## Name and Address

**NJ EZ Pass Service Center  
PO Box 4973  
Trenton, NJ 08650**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

## Name and Address

**NJ EZ Pass Violation Processing  
Center  
PO Box 52005  
Newark, NJ 07101-8205**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

**Part 4: Add the Amounts for Each Type of Unsecured Claim**

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. §159. Add the amounts for each type of unsecured claim.

Total claims from Part 1			Total Claim	
6a. Domestic support obligations	6a.	\$		<b>0.00</b>
6b. Taxes and certain other debts you owe the government	6b.	\$		<b>0.00</b>
6c. Claims for death or personal injury while you were intoxicated	6c.	\$		<b>0.00</b>



Debtor 1 **Frederico C Magalhaes**

Case number (if known) **22-13079**

Total  
claims  
from Part 2

6d. **Other.** Add all other priority unsecured claims. Write that amount here.

6d. \$ **0.00**

6e. **Total Priority.** Add lines 6a through 6d.

6e. \$ **0.00**

6f. **Student loans**

6f. **Total Claim**  
\$ **0.00**

6g. **Obligations arising out of a separation agreement or divorce that you did not report as priority claims**

6g. \$ **0.00**

6h. **Debts to pension or profit-sharing plans, and other similar debts**

6h. \$ **0.00**

6i. **Other.** Add all other nonpriority unsecured claims. Write that amount here.

6i. \$ **36,636.20**

6j. **Total Nonpriority.** Add lines 6f through 6i.

6j. \$ **36,636.20**

Fill in this information to identify your case:

Debtor 1 Frederico C Magalhaes  
First Name Middle Name Last Name

Debtor 2  
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: DISTRICT OF NEW JERSEY

Case number 22-13079  
(if known)

☐ Check if this is an amended filing

Official Form 106Dec

## Declaration About an Individual Debtor's Schedules

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person \_\_\_\_\_

Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119)

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ Frederico C Magalhaes

Frederico C Magalhaes

Signature of Debtor 1

Date 1/16/2023

X \_\_\_\_\_

Signature of Debtor 2

Date \_\_\_\_\_

Form oresadoc – oresadocv27

**UNITED STATES BANKRUPTCY COURT**

District of New Jersey  
MLK Jr Federal Building  
50 Walnut Street  
Newark, NJ 07102

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Case No.: 22-13079-SLM  
Chapter: 13  
Judge: Stacey L. Meisel

In Re: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Frederico C Magalhaes  
176 Central Avenue  
West Caldwell, NJ 07006

Social Security No.:  
xxx-xx-4742

Employer's Tax I.D. No.:

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**ORDER RESPECTING  
AMENDMENT TO SCHEDULE D, E/F, G OR H  
OR LIST OF CREDITORS**

The Court having noted that the debtor filed an Amendment to Schedule E/F on E/F or to the List of Creditors on 1/19/2023 , and for good cause shown, it is

ORDERED that the debtor must provide notice of the Amendment to the creditor(s) or party(ies) being deleted, added or modified and to the trustee in the case, if any, not later than 7 days after the date of this Order.

It is further ORDERED that the debtor(s) must serve on added creditors or parties, not later than 7 days after the date of this Order, the following:

1. A copy of the applicable Notice of Chapter 13 Bankruptcy Case, and
2. In a Chapter 11 case:
  - a) a copy of the last modified plan and disclosure statement, if any, and
  - b) a copy of any order approving the adequacy of the disclosure statement and/or the scheduling of the plan for confirmation.
3. In a Chapter 12 or Chapter 13 case:
  - a) a copy of the Notice of Hearing on Confirmation of Plan, if any, and
  - b) a copy of the last modified plan that has been filed in the case.

It is further ORDERED that not later than 7 days after the date of this Order, the debtor(s) must file the Local Form, Certification of Service, certifying compliance with the above requirements.

It is further ORDERED that the added creditors or parties have

1. until the original deadline, if any, fixed by the court to file a complaint to object to the debtor's discharge or dischargeability of certain debts, or sixty 60 days from the date of this Order, whichever is later;
2. until the original deadline, if any, fixed by the Court to file a proof of claim or required supplement,



or sixty 60 days from the date of this Order, whichever is later;

3. until the original deadline fixed by the Court to object to exemptions, or thirty 30 days from the date of this Order, whichever is later.

Dated: January 20, 2023

JAN: smz

Stacey L. Meisel  
United States Bankruptcy Judge

**Information to identify the case:**

<b>Debtor 1:</b> <u>Frederico C Magalhaes</u>			Social Security number or ITIN: xxx-xx-4742
First Name	Middle Name	Last Name	EIN: ---
<b>Debtor 2:</b>			Social Security number or ITIN: ---
(Spouse, if filing)	First Name	Middle Name	EIN: ---
United States Bankruptcy Court: District of New Jersey			Date case filed for chapter: 13 4/15/22
Case number: 22-13079-SLM			

**Official Form 309I****Notice of Chapter 13 Bankruptcy Case**

10/20

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

Undeliverable notices will be sent by return mail to the debtor. It is the debtor's responsibility to obtain the party's correct address, resend the returned notice, and notify this office of the party's change of address. Failure to provide all parties with a copy of this notice may adversely affect the debtor as provided by the Bankruptcy Code.

	About Debtor 1:	About Debtor 2:
<b>1. Debtor's full name</b>	Frederico C Magalhaes	
<b>2. All other names used in the last 8 years</b>		
<b>3. Address</b>	176 Central Avenue West Caldwell, NJ 07006	
<b>4. Debtor's attorney</b> Name and address	Herbert B. Raymond 7 Glenwood Ave Suite #408 4th Floor East Orange, NJ 07017	Contact phone 973-675-5622 Email: herbertraymond@gmail.com
<b>5. Bankruptcy trustee</b> Name and address	Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004-1550	Contact phone 973-227-2840 <a href="http://www.magtrustee.com">www.magtrustee.com</a>
<b>6. Bankruptcy clerk's office</b> Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="https://pacer.uscourts.gov">https://pacer.uscourts.gov</a> . (800) 676-6856	MLK Jr Federal Building 50 Walnut Street Newark, NJ 07102 Additional information may be available at the Court's Web Site: <a href="http://www.njb.uscourts.gov">www.njb.uscourts.gov</a>	Hours open: 8:30 AM – 4:00 p.m., Monday – Friday (except holidays) Contact phone 973-645-4764 Date: 4/16/22

For more information, see page 2

**7. Meeting of creditors**

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend.

Creditors may attend, but are not required to do so.

All individual debtors must provide picture identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in your case being dismissed.

**May 10, 2022 at 01:00 PM**

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

**Location:**

THE LOCATION, DATE AND TIME OF THE MEETING OF CREDITORS IS SUBJECT TO CHANGE. DEBTORS, PLEASE CONSULT WITH YOUR COUNSEL. SELF REPRESENTED DEBTORS AND ALL PARTIES IN INTEREST, PLEASE REFER TO THE TRUSTEE WEBSITE AT [www.magtrustee.com](http://www.magtrustee.com)

**8. Deadlines**

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

**Deadline to file a complaint to challenge dischargeability of certain debts:**

**Filing deadline: 7/11/22**

**You must file:**

- a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f) or
- a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).

**Deadline for all creditors to file a proof of claim (except governmental units):**

**Filing deadline: 6/24/22**

**Deadline for governmental units to file a proof of claim:**

**Filing deadline: 180 days from date of order for relief.  
11 U.S.C. § 502(b)(9)**

**Deadlines for filing proof of claim:**

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form ("Official Form 410") may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office. You may also contact the Clerk's Office where this case is pending to request that a Proof of Claim form be mailed to you. The Clerk's Office telephone number is included on the front of this Notice. Also, Claims can be filed electronically through the court's website at: <http://www.njb.uscourts.gov> under File An Electronic Claim.

If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**Deadline to object to exemptions:**

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

**Filing deadline: 30 days after the conclusion of the meeting of creditors**

**9. Filing of plan**

The debtor has not filed a plan as of this date. A copy of the plan and a notice of the hearing on confirmation will be sent to you separately.

**10. Creditors with a foreign address**

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**11. Filing a chapter 13 bankruptcy case**

Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

**12. Exempt property**

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at <https://pacer.uscourts.gov>. If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.

**13. Discharge of debts**

Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion by the deadline.

**WRITING A LETTER TO THE COURT OR THE JUDGE IS NOT A SUBSTITUTE FOR FILING AN ADVERSARY COMPLAINT OBJECTING TO DISCHARGE OR DISCHARGEABILITY. IN NO CIRCUMSTANCE WILL WRITING A LETTER PROTECT YOUR RIGHTS.**





Herbert Raymond <herbertraymond@gmail.com>

## Ch-13 22-13079-SLM Confirmation Hearing Scheduled - Frederico C Magalh

1 message

cmecf\_help\_desk@njb.uscourts.gov <cmecf\_help\_desk@njb.uscourts.gov>

Thu, Jan 19, 2023 at 10:09 AM

To: no-reply@njb.uscourts.gov

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30-page limit do not apply.

**U.S. Bankruptcy Court**

**District of New Jersey**

### Notice of Electronic Filing

The following transaction was received from smz entered on 1/19/2023 at 10:09 AM EST and filed on 1/19/2023

**Case Name:** Frederico C Magalhaes

**Case Number:** 22-13079-SLM

**Document Number:**

### Docket Text:

Confirmation Hearing Scheduled (related document:[58] Modified Chapter 13 Plan - Before Confirmation, and Motion for Lien Avoidance, and Assumption of Executory Contracts and Unexpired Leases. Filed by Herbert B. Raymond on behalf of Frederico C Magalhaes.). Confirmation hearing to be held on 2/22/2023 at 08:30 AM at SLM - Courtroom 3A, Newark. Last day to Object to Confirmation 2/15/2023. (smz)

The following document(s) are associated with this transaction:

### 22-13079-SLM Notice will be electronically mailed to:

Denise E. Carlon on behalf of Creditor Lakeview Loan Servicing, LLC  
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Marie-Ann Greenberg  
magecf@magtrustee.com

Elizabeth K. Holdren on behalf of Creditor Caterpillar Financial Services Corporation  
eholdren@hillwallack.com, jhanley@hillwallack.com;hwbnj@hillwallack.com;eholdren@ecf.courtdrive.com

John R. Morton, Jr. on behalf of Creditor Daimler Trust  
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com

John R. Morton, Jr. on behalf of Creditor Daimler Truste c/o BK Servicing, LLC  
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com

Herbert B. Raymond on behalf of Debtor Frederico C Magalhaes  
herbertraymond@gmail.com, raymondmail@comcast.net;bankruptcyattorneys@comcast.net;herbertraymond@gmail.com;carbonell\_c@hotmail.com;kdelyon.raymond@gmail.com;herbertraymond5967@yahoo.com;raymondlaw5622@gmail.com;courtemails789@gmail.com

David Thomas Shivas on behalf of Creditor Mark and Jennifer O'Connor  
dshivas@bsblawgroup.com

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

Valuation of Security     Assumption of Executory Contract or Unexpired Lease     Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re: Case No.: 22-13079 SLM  
FREDERICO C. MAGALHAES, Judge: Stacey L. Meisel

Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original    ☒ Modified/Notice Required    Date: JANUARY 18, 2023  
☒ Motions Included    ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: HR    Initial Debtor: FM    Initial Co-Debtor: \_\_\_\_\_

a. The debtor shall pay \$           \*\*           per           MONTH           to the Chapter 13 Trustee, starting on           May 1, 2022           for approximately           60           months.

☒ Future earnings

\*\*\*\*\* Consistent with the distribution order in part 8c of the plan, after full and complete payment of counsel fees and supplemental counsel fees, the Trustee is to fully and completely pay Catepillar Financial Service Corporation's pre-petition arrearage claim, consistent with the order to be entered resolving its plan confirmation objection. Thereafter, the Trustee is to pay other secured claims, priority claims (if applicable) and finally unsecured claims.



**Part 2: Adequate Protection ☒ NONE**

- a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).
- b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 3,650
DOMESTIC SUPPORT OBLIGATION		
STATE OF NEW JERSEY, DIVISION OF TAXATION	PRIORITY INCOME TAX LIABILITY	\$0 OR UNKNOWN

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:  
☒ None  
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Caterpillar Financial	2019 Caterpillar Hydraulic Excavator	\$25,000 *****	N/A	\$25,000 *****	Cont'd pays 2/1/2023
Caterpillar Financial (To be fully paid after payment of counsel/sup. counsel fees before other claims are paid)	2019 Caterpillar Compact Truck Loader	\$25,000 ***** ***** See Above	N/A	\$25,000 ***** ***** See Section 1e above	Cont'd pays 2/1/2023

**c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments** ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender** ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt



**f. Secured Claims Unaffected by the Plan** ☐ NONE

The following secured claims are unaffected by the Plan:

i. Flagstar Bank, continued payments, no arrears, regarding mortgage against real property located at 176 Central Avenue, West Caldwell, New Jersey. Continued payments by the Debtor, directly to Flagstar Bank.

ii. Ally Financial, continued payments, no arrears, regarding automobile loan secured by a 2022 Chevrolet Silverado Pick Up. Continued payments by the Debtor, directly to Ally Financial, no arrears.

**g. Secured Claims to be Paid in Full Through the Plan:** ☐ NONE

Creditor	Collateral	Total Amount to be Paid Through the Plan
MARK AND JENNIFER O'CONNOR	NON-AVOIDABLE SECURED PART OF JUDGMENT LIEN AGAINST REAL PROPERTY LOCATED AT 176 CENTRAL AVENUE, WEST CALDWELL, NEW JERSEY	THE SUM OF \$38,952.33, REPRESENTING NON-AVOIDABLE PART OF JUDGMENT TO BE BE FULLY PAID AS A SECURED CLAIM
STATE OF NEW JERSEY, DIVISION OF TAXATION	REAL PROPERTY RE: 176 CENTRAL AVENUE, WEST CALDWELL, NEW JERSEY	\$8,321.53 PAYMENT IN FULL OF SECURED CLAIM

**Part 5: Unsecured Claims** ☐ NONE

**a. Not separately classified allowed non-priority unsecured claims shall be paid:**

☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

☐ Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured claims shall be treated as follows:**

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases ☐ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
MB Financial	\$1,350	AUTOMOBILE LEASE REGARDING A MB GLE450W4	ASSUME LEASE	CONTINUED PAYMENTS BY THE DEBTOR, STARTING 5/1/20202, DIRECTLY TO MB FINANCIAL

**Part 7: Motions ☐ NONE**

**NOTE:** All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal, and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Mark and Jennifer O'Connor	Real Property Located at 176 Central Avenue West Caldwell, NJ 07006	Judgment Lien	216,481.88	\$525,000	\$27,900	Flagstar Bank, FSB, first mortgage, in the amount of \$449,826.14, State of New Jersey, Division of Taxation, tax lien in the amount of \$8,321.53, total amount of liens of \$458,147.67	\$177,529.55 of the judgment is to be avoided, the sum of \$38,952.33 is a non-avoidable secured claim. The sum of \$38,952.33 is to be paid as a secured claim through the plan.

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.



**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Counsel Fees and Supp. Counsel Fees (Fully Paid before other claims)
- 3) Full payment of Catepillar's Secured Arrearage Claim
- 4) Other Secured Claims, Priority Claims and then Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☐ NONE**

**NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: October 3, 2022.

<p>Explain below <b>why</b> the plan is being modified:</p> <p>Modified plan is being filed, consistent with order to be entered resolving Catepillar Financial Services Corporation's confirmation objection, to specify and provide this obligation is to be paid first and completely, after full and complete payment of counsel fees and/or supplemental counsel fees. The trustee is to fully pay the arrearage due to Catepillar Financial Service Corporation, as set forth in the order resolving its confirmation objection, completely, after full payment of counsel fees and supplemental counsel fees, before any other claims are paid. The arrangement for payment in this manner provides a substantial benefit to the Debtor who must retain this equipment in order to continue his business operation to, inter alia, fund this Chapter 13 Plan. In addition, this agreement allows for payment of arrears on the Catepillar obligation consistent with the plan, though its likely the case that the amount due to Catepillar are likely more than provided, which would have resulted in a larger plan payment obligation. Finally, the Catepillar resolution allows</p>	<p>Explain below <b>how</b> the plan is being modified:</p> <p>for payments to resume in February of 2023, deferring the earlier payments due. If Catepillar had not entered into this agreement with the Debtor, and instead insisted on complete payment of the amount contractually due, in terms of the pre-petition arrears and regular payments to have started the month after filing, the Debtor may not have had the ability to fund the plan, resulting in the dismissal of the case and no payment on any claims. So there is ample justification for the complete payment of plan scheduled pre-petition arrears to Catepillar, before other claims are paid, consistent with the order to be entered. The payment to Catepillar shall be effectuated only after full payment of counsel and supplemental counsel fees. So the principal change to this plan is that it provides for full and complete payment of the pre-petition plan scheduled arrears on the Catepillar equipment loans, before any other claims are paid, except payment of counsel and supplemental counsel fees. No other material changes to the plan.</p>
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Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No



**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: JANUARY 18, 2023

/S/ FREDERICO C. MAGALHAES  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

Date: JANUARY 18, 2023

/S/ HERBERT B. RAYMOND, ESQ.  
Attorney for Debtor(s)